

Application 10/619,320
Art Unit 3677

Page 2

REMARKS

By the foregoing the error in the identification of the prior art reference on page 1 of the disclosure has been corrected as required by the examiner.

Prior to discussing the nature of the amendments to the claims as now submitted, applicant would like to address the question of the numbering of the originally submitted claims. In the original claims, as a result of a minor printing error, claims 12 and 13 were reproduced twice with identical numbering. It is believed that an appropriate course of action for the examiner to have taken would have been merely to have cancelled these claims on their second occurrence, rather than to have renumbered them consecutively, which might appear to necessitate the payment of excess claim fees. Should it be indicated that claim fees are indeed payable these will be submitted under protest. In all events, with the current amendment the duplicate copy of the claims has been cancelled, thereby overcoming the objection raised by the examiner under the head of double patenting.

Claim 14 was objected to by the examiner presumably pursuant to 35 USC 112, second para., with a requirement to change the phrase "said hinge" to read ---each hinge---. It appears that the examiner intended to refer to claim 16, as the claims were re-numbered, rather than to claim 14 in which this phrase does not appear. However, in regard to this requirement, it is noted that claim 16 depends on claim 12, and the antecedent expression is "a hinge" which is in agreement with the phrase in question of claim 16 as it stands. Accordingly, it is believed that the amendment of claim 16 in the manner required by the examiner would serve to introduce indistinctiveness into the claim. The duplicate text in claim 16 has been cancelled.

Claims 1,2, 11-16 and 20-22 stand rejected as being anticipated by Jio, US patent 5,179,168. Claims 20-22 have been cancelled without prejudice; claim 11 has been amended to include therein the subject matter of former claim 17 which was indicated by

Application 10/619,320
Art Unit 3677

Page 3

the examiner to contain allowable subject matter, and claims 12, 13 and 16 depend either directly or indirectly upon claim 11, whereby it is believed that the objection to these claims on this ground is overcome, leaving only claims 1 and 2 for consideration. Claim 1 has been amended to incorporate therein the delimitations of former claim 2. The examiner alleges Jio to disclose a clip wherein the spring arms are secured to the jaws by hinges, and wherein the distal ends of the spring arms bear upon the respective ones of the jaws. Such allegations are strongly disputed. The word "hinge" in its normal dictionary sense implies the connection of two elements whereby there are relatively freely rotatable with respect to each other. In Jio, the arms 20, 30 are clearly resiliently attached to the jaws, without which the device would be inoperable. Moreover, the distal ends of the springs are in contact with each other; manifestly they do not extend to contact the respective ones of the jaws, and nor would this serve any useful purpose were they to do so (for which there is no suggestion to be found in the patent disclosure). While there are structural differences between the spring clip as now claimed in claim 1 and that disclosed by Jio in regard to the hinged connection of the spring arms and the disposition of the distal end of the spring arms, the operation of the clips differs, with the rolling motion of the back to back leaf springs of the instant clip and a de-localization of the spring forces over substantially the whole of the length of the leaf springs, contrasting with the sliding action of the end of one spring arm upon the other and the relatively highly stressed area where the jaws unite with the spring arms in the clip of Jio. For these reasons it is respectfully submitted that claim 1 as it now stands amended is patentably distinguished over Jio, and reconsideration is respectfully requested.

Claims 1-6, 11-16 and 20-22 stand rejected as being anticipated by Rose, US patent 2,931,086. As indicated above, claims 20-22 have been cancelled without prejudice, and claim 11 has been amended to incorporate therein the subject matter of claim 17 that was indicated by the examiner to be allowable. Claims 12, 13 and 16 depend from claim 11 and are believed to be allowable at least for that reason.

Claims 3-6 are now dependent upon claim 23, which is based on former claim 17 that was indicated as being allowable, and are believed to be allowable at least for that reason.

Application 10/619,320
Art Unit 3677

Page 4

Claim 1 has been amended to incorporate the subject matter of claim 2, as indicated above in connection with Jio. The spring clip disclosed by Rose is similar in principle of construction and operation to that of Jio, with the spring arms resiliently rooted to the jaws and with their distal ends not in contact with the jaws to which they are rooted. As discussed at length in relation to Jio, this type of construction and its operation is quite different to that of the instant spring clip, whereby it is firmly believed that in no manner does the clip of Rose and the teaching of the Rose patent anticipate or render obvious the instant invention as a whole as now claimed in claim 1.

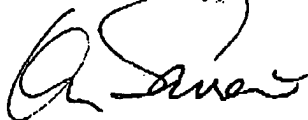
New claims 23 and 25 are based on original claim 17, and new claims 24, 26 and 27 are based on original claims 7, 8 and 9, all of which were indicated by the examiner to contain allowable subject matter and which are believed to be allowable at least for this reason.

In summary, it is believed that the foregoing is a complete response to the office action and that the application is hereby placed in condition for allowance. Early and favorable reconsideration of the application is therefore solicited.

The prior art made of record by the examiner but not relied upon has been reviewed and is believed to be no more pertinent than the other art of record herein.

Respectfully submitted

Jan Folkmar, Applicant herein



By Kenneth M. Garrett
Reg. 27,514

October 1, 2004
Re-signed October 28, 2004

-6-

CLAIMS

1. (currently amended) A manual tool comprising a pair of jaws, each said jaw having an object engaging portion and an actuating portion;
fulcrum means disposed in spaced apart relation from said object engaging portion and said actuating portion for retaining said jaws in pivoting relationship for movement between a first position and a second position; and
spring means for biasing said jaws to said first position;
wherein said spring means comprises an arched leaf spring associated with each said jaw, each said leaf spring having a proximal end and a distal end;
hinge means anchoring the proximal end of each said leaf spring to an associated jaw with said distal end of each said spring in contact with an associated jaw with said springs in symmetrical, contiguous back to back relationship;
whereby the application of a manual force to said actuating portion of said jaws to move said jaws to their second position will serve to deflect said leaf springs and cause a rolling contact therebetween.
2. (cancelled)
3. (currently amended) A tool as defined in claim 2 23 wherein said leaf springs and said jaws are molded from a thermoplastic material.
4. (currently amended) A tool as defined in claim 2 23 wherein said leaf springs and associated jaws are unitarily molded from a thermoplastic material.
- 5.(original) A tool as defined in claim 4 wherein said hinge means comprises a living hinge.
6. (original) A tool as defined in claim 4 wherein said fulcrum means is unitarily formed with said jaws.
7. (original) A tool as defined in claim 6 wherein said fulcrum means comprises a plurality of tabs depending from each said jaw, and wherein said tabs are provided with cooperating, snap together gudgeons and gudgeon openings.
8. (original) A tool as defined in claim 7 wherein said jaws are substantially identical.

-7-

9. (original) A tool as defined in claim 7 wherein said object-engaging portion is a clamping element biased closed when said jaws are in their first position.

10. (original) A tool as defined in claim 9 wherein said fulcrum means is disposed between said clamping element and said actuating portion.

11. (currently amended) A thermoplastic spring clip comprising a pair of jaws having opposed ends, each having a functional portion adjacent one end thereof and an actuating portion adjacent the opposed end, and a fulcrum therebetween;

spring means biasing said jaws to a position in which said functional portion of one said jaw is in a first desired relationship relative to that of the other jaw;

wherein said spring means comprises an arched leaf spring anchored to each respective one of said pair of jaws said jaw by a hinge in symmetrical, back to back, contiguous relationship;

and wherein each one of said pair of jaws is provided with a guide track for its associated leaf spring;

application of a manual pressure on said actuating portions to move said functional portions to a second relationship serving to compress said leaf springs resulting in a rolling contact therebetween.

12. (original) A spring clip as defined in claim 11 wherein each said leaf spring is anchored to an associated jaw by a hinge.

13. (original) A spring clip as defined in claim 11 wherein each said jaw is unitarily formed with its associated leaf spring.

14-15. (cancelled)

16. (currently amended) A spring clip as defined in claim 12 wherein said hinge is a living hinge.
~~said hinge is a living hinge.~~

17. (cancelled)

18. (previously amended) A spring clip as defined in claim 11 wherein said fulcrum comprises a plurality of tabs depending from each said jaw, and wherein said tabs are provided with cooperating, snap together gudgeons and gudgeon openings.

19. (currently amended) A spring clip as defined in claim ~~16~~ 18 wherein ones of said tabs serve at least in part to define an aperture in said jaws to permit the entry of a post therein.

-8-

20-22. (cancelled)

23. (new). A spring clip as defined in claim 1 wherein each said jaw is provided with a guide track for its associated leaf spring.

24. (new) A manual tool comprising a pair of jaws, each said jaw having an object engaging portion and an actuating portion;

fulcrum means disposed in spaced apart relation from said object engaging portion and said actuating portion for retaining said jaws in pivoting relationship for movement between a first position and a second position; and

spring means comprising an arched leaf spring associated with each said jaw, each said leaf spring having a proximal end secured to a said jaw by a hinge and a distal end with said springs in symmetrical, contiguous back to back relationship, the application of a manual force to said actuating portion of said jaws to move said jaws to their second position will act to deflect said leaf springs and cause a rolling contact therebetween;

wherein each said jaw is unitarily formed together with its associated hinge, leaf spring and also a plurality of tabs provided with cooperating snap together gudgeons and gudgeon openings forming said fulcrum means.

25. (new). A spring clip as defined in claim 24 wherein each said jaw is provided with a guide track for its associated leaf spring.

26. (new) A tool as defined in claim 24 wherein said jaws are substantially identical.

27. (new) A tool as defined in claim 24 wherein said object-engaging portion is a clamping element biased closed when said jaws are in their first position.